

EXHIBIT 1



**BOARD OF APPEALS
TOWN OF HEMPSTEAD**

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NOTICE OF DECISION

November 19, 2010

Tracking Number: 200912910

Case Number: 161 / 10

Hearing Date: 2/3/2010

Decision Date: 11/17/2010

TO:

T-Mobile Northeast, LLC.
f/k/a Omnipoint Communications, Inc.
3500 Sunrise Hwy. Ste. D203
Great River, NY 11739

REQUEST: Install eight (8) wireless communication antennas concealed within proposed cupola on top of existing building & install equipment cabinets in basement.

LOCATION: W/s Dogwood Ave., 345.04' N/o Cornell Rd. running thru to Ribbon St., a/k/a 340 Dogwood Ave., FRANKLIN SQUARE

DECISION: DISMISSED by Board (see attached).

Very truly yours,

COPY TO:
Alfred Amato, Esq.
James B. Fiscella, Esq.
Ann DeMichael
Stuart Lipsky &
Ronald Lipsky
Joann Freeman
Maureen Binetti
Debra Spinella
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Joseph F. Pellegrini
Joseph F. Pellegrini
Secretary to Board of Appeals

November 17, 2010

**Case # 161 – T-Mobile Northeast, LLC f/k/a Omnipoint Communications, Inc.
(Department of Buildings # 200912910)**

FIRST: Applicant, T-Mobile Northeast LLC has filed an application to install eight (8) wireless communication antennas in a cupola on the top of an existing building and install equipment cabinets in the basement at premises known as 340 Dogwood Ave. in Franklin Square.

SECOND: Heretofore, applicant under Case # 590/2006 sought to install six wireless communication antennas inside a proposed 65' high stealth light pole and equipment cabinets on the ground on the same premises, to wit: 340 Dogwood Ave., Franklin Square, as now before the Board under new case # 161/2010.

The first case, # 590/2006 was denied by the Board on September 17, 2008.

THIRD: At the hearing under new case # 161/2010, the issue of Res Judicata was raised. Counsel for the applicant and counsel for the objectors were given the opportunity to submit papers advocating their respective positions, which was done.

DECISION

On motion of Mr. Browne and seconded by Mr. Wright, the Board finds based on the submission of objectors' counsel, that the doctrine of Res Judicata on the issue of "need" must be applied. Case # 161 is Dismissed.

The foregoing resolution was adopted upon roll call as follows:

AYES: Mr. Weiss
Mr. Wright
Mrs. D'Amato
Mr. Browne

NOES: None

Mr. Mistero & Mr. Ragano not voting or participating